S.B. CIVIL CONTEMPT PETITION NO.223/2007.

(JAG RAM VS. SOHAN SINGH)

DATE OF ORDER : 18.07.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Girish Sankhala for the petitioner.

This contempt petition is preferred alleging deliberate and willful non-compliance of the order passed by this Court on 15.12.2006, accepting an application preferred by the petitioner -workman under Section 17-B of the Industrial Disputes Act, 1947 with a direction to the respondents to make the payment of wages to the workman month by month in accordance with the provisions of Section 17-B of the Act of 1947 from the date of award i.e. 25.05.2004.

The allegation of the petitioner is that though the respondents have made payment of wages in compliance of the order dated 15.12.2006, but that is not in accordance with the provisions of Section 17-B of the Act of 1947 as interpreted by this Court in the case of Rajasthan State Industrial Development and Investment Corporation Ltd., Jaipur vs. Rewadram Meena and others reported in 1998(2) WLC -652.

An erroneous interpretation of some provision or order passed by the Court in itself does not constitute any contempt of it. The essential ingredient for initiating contempt proceedings is that there must be some deliberate and willful action on part of authority / person concern to flout the order. In the instant matter, I do not find any act on part of the respondents that may be termed as deliberate and willful defines of the order passed by this Court.

Thus, the petition for initiating contempt proceedings is dismissed. The applicant may seek necessary clarification by way of filing a miscellaneous application.

(GOVIND MATHUR)J.

Anil/